

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EPAC TECHNOLOGIES, INC.,)
Plaintiff/Counter-Defendant,) JUDGE CRENSHAW
v.) Case No. 3:12-CV-00463
THOMAS NELSON, INC.,)
Defendant/Counter-Plaintiff.) JURY DEMAND

THOMAS NELSON'S MOTION FOR SUMMARY JUDGMENT

The Court previously dismissed Counts II, III, and VI of the seven-count Amended Complaint filed by EPAC Technologies, Inc. (Doc. 196.) Given certain undisputed facts, and for the reasons given in Thomas Nelson, Inc.'s memorandum in support of this motion, Thomas Nelson moves the Court pursuant to Federal Rule of Civil Procedure 56 to enter a summary judgment:

1. Dismissing Counts IV, V, and VII;
2. Dismissing the claim in Count I that Thomas Nelson breached a contractual non-disclosure obligation to EPAC; and
3. Holding that EPAC may not seek (a) unjust enrichment damages, (b) punitive damages, or (c) lost profits (or, if the Court should find that lost profits are potentially available to EPAC under any count, that EPAC may not seek lost profits other than those associated with one-color softbound books EPAC can prove it would have sold Thomas Nelson under the parties' Master Services Agreement through March 21, 2012).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing document was made upon the following via the Electronic Case Filing System to the following:

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on this 1st day of June, 2018.

s/ John R. Jacobson